ments of accounts, and to go into every necessary detail of administration regarding these endowments. Thus, our critics will see that the further decay and deterioration of temple properties in the State is effectually arrested, entitling us to the compliment paid by my distinguished friend, Mr. Rao Bahadur C. Jambulingam Mudaliar M. L., C. I. E., in his letter of the 24th October last. He writes:—"I was very happy to read in the papers that the Bill over which you spent so much labour and time has been approved by the Madras Government. It is an achievement for which one can feel legitimate pride and satisfaction. It will no doubt be very beneficial in the province where it will operate. I value it more for its indirect effects in that it sets an example to other Governments in India and especially to the British Indian Government.....All the great reforms in the early days of British administration were helped and effected with a considerable amount of Government support, and wise and timely legislation. Some such incentive to progress seems necessary to Indian people and it is refreshing to see that enlightened Native Governments such as Travancore, Mysore and Baroda now and then demonstrate how such matters could be appropriately dealt with. I wish your Act to run a long and useful career."

Already a sense of responsibility has, I hear, come over the managers of several important temples in the country. This surely is a healthy sign of the times, fore-shadowing the influence of the coming legislation. If this is true, as I am assured it is, let it be never so small, I should say that the best part of our labours in this behalf has been amply rewarded; for in my humble opinion, the maintenance and perpetuation of these valuable endowments is an achievement of which those associated with this Bill may justly feel proud to their latest day.

With these remarks, I beg to propose that the Bill as amended be passed and that it come into force on the 1st Makarom 1079.

The motion was put and agreed to.

President.—I wish to make a few observations in connection with the two important Bills finally passed to-day *viz.*, the Hindu Religious Endowments Bill and the Press Bill, with a view to remove any misapprehension that may exist in the minds of those who are likely to be affected by their provisions.

His Highness' Government have not the slightest intention of using the powers conferred on the executive except on very strict proof that State interference is an absolute necessity. The real object of these measures is to induce those who come within their scope to discharge their duties in the manner expected of them by their intelligent, level-headed and disinterested countrymen and neighbours. If the trustees of the religious endowments work with half the spirit that animated their pious founders, and if journalists edit their papers on the exemplary lines on which the "Madras Mail" is conducted, the co-ercive and penal provisions of these two enactments will be a dead letter. The Movers of these Bills (Messrs. Nagam Aiya and Rajaram Row) are veteran officers of this State and they yield to none in their knowledge of the needs of the country and in their solicitude for the protection of individual rights and liberty. The great body of adverse criticism evoked by these measures, especially the Religious Endowments Bill, naturally led, as rightly observed by Mr. Nagam Aiya, to the closest scrutiny in the Select Committee and in Council of their provisions in all their details and to the introduction of several important amendments to safe-guard the interests of the parties likely to be affected. A careful study of these Bills as now passed, will convince unbiassed critics that the Council has spared no pains to protect private rights as much as possible. I sincerely wish that those who come within the scope of these measures will so conduct themselves as to give no occasion for the executive to use their powers.

LUNACY BILL.

Mr. Govinda Pillai.—I beg to move that the Report of the Select Committee on this Bill be taken into consideration.

Seconded by Mr. Dharmaraja Iyer.

The motion was put and agreed to.

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the same by summary process. The reasons which call for special legislation for the realization of public revenue, apply equally to safe-guarding the public funds or property entrusted to the custody of public servants in their official capacity. It is true that security is always taken from such servants; but, in practice, the property entrusted cannot but exceed in value the amount of the security, and if such excess, in case of misappropriation, cannot be secured by immediate seizure of the property of the misappropriator, it would be too often unrecoverable. Hence, such power of seizure, though an interference in the private rights, is one absolutely necessary to prevent serious and irreparable loss to Government.

On the other hand, an increasing recognition of civil rights has induced the legislature to protect such rights by suits in the Civil Courts whenever they are infringed, no matter by whom. Section 7 of our Civil Procedure (Regulation II of 1065) provides that the Courts shall (subject to the provisions therein contained) have jurisdiction to try all suits of a civil nature, excepting suits of which their cognizance is barred by any enactment for the time being in force. Under this law, every interference with private rights, even though sanctioned by long usage in a particular case, could be made the ground of a civil suit, unless its cognizance is barred by a legal enactment. If, therefore, suits are brought against the Sirkar for attaching properties of its citizens on the strength of mere usage, the Civil Courts will be simply doing their duty in entertaining the same. Further, to arm the executive with the authority of a not clearly defined usage, would be giving it a discretion which, according to the first principles of public policy, would be inconsistent with the security which the laws are designed to give to private persons. The need for special legislation, therefore, clearly defining the extent and nature of the interference proposed, in order to secure the protection I have pointed out as necessary, will thus be evident.

Coming next to the scope of the Bill, among the reasons which justify a summary procedure in the matter of the realization of Public Revenue are, (1) the definiteness of the liability and (2) the possibility of its ascertainment by public records, without an examination of conflicting evidence. Whenever a legal right has to be decided on such evidence, or according to the general principles of law, it would be sound administrative policy to leave such decision to the judicial tribunals. The Bill, therefore, confines the power of summary attachment only to cases of deficit where the same is either admitted or can be at once ascertained by reference to the Sirkar accounts. It excludes from its scope cases of loss caused by negligence or breach of contract on the part of persons who are not entrusted with the property, on the ground that such cases generally involve questions of law and fact, the decision of which even provisionally should not be entrusted to the executive.

It will be further noted that the power proposed to be taken under the Bill is the least, consistently with the safety of public property. The attachment will be removed on the defaulter furnishing security. There will be no order for sale until after the close of the departmental enquiry under Regulation VI of 1073, and in the meantime or within six months after the date of the executive order, the party aggrieved may seek his remedy by a civil suit.

President.—There is one point deserving consideration at this stage of the Bill. The learned Mover of the Bill observed in his speech that cases of negligence and breach of contract on the part of public servants are excluded from the scope of the Bill. The Bill itself covers cases of embezzlement as well as those in which money or goods entrusted to public servants may not be forthcoming. In the circumstances of this country, and considering the numerous forms in which money or goods are entrusted to public servants of various grades, it will, I am afraid, seriously affect the due recovery of liabilities if the scope of the Bill is narrowed in the manner indicated in the Mover's speech. This, however, is a matter of detail which may be left to the Select Committee. The principle of the Bill is whether a summary procedure should be provided for the recovery of liabilities, subject to the right of the party aggrieved to seek redress by a civil suit. What classes of liabilities should be brought within the purview of the Bill and all other details connected with the measure had better be gone into by the Select Committee.

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Mr. Govinda Pillai.—I beg to say a word in explanation. It was after careful consideration that I proposed to leave out cases of negligence and breaches of of contract from the scope of the Bill. I have already given my reasons for the course I have adopted. I am afraid that if such cases are also to be included in the Bill, it will materially affect the principle of the Bill as I have thought fit to adopt. I would, therefore, adhere to the limited scope I have given to the Bill.

A discussion followed, in the course of which the President re-iterated his observation that the only principle now to be affirmed by the Council is that a summary procedure be provided for the recovery of liabilities of public servants in the same manner as arrears of public revenue, and that all details may be left for the consideration of the Select Committee.

Mr. Govinda Pillai said:

"I have no objection to extend the scope of the Bill to cases of loss to Government caused by the negligence of the public servant who is entrusted with public property in respect of such property, provided it is not extended to cases of loss in respect of property in the custody of others."

The motion being put to the vote, the general sense of the Council was that the principle of the Bill as stated by the President may be affirmed and that the question whether the scope of the Bill should, in any way, be restricted may be left to the Select Committee like all other details connected with the measure.

After some further discussion, as the extension of the Bill beyond the scope defined by Mr. Govinda Pillai was not pressed by the Council, he proposed that the Bill as moved by him be referred to a Select Committee consisting of Messrs. Rajaram Row, Kesava Pillai, Padmanabha Menon and the Mover, to report within three months.

Seconded by Mr. Nagam Aiya.

Carried.

DYNAMITE BILL.

Mr. Kesava Pillai.—The object of the amendments of which I have given notice is to extend the scope of the Bill to all explosives instead of restricting it to dynamite. It will be observed that section 10 of the Bill empowers the Government to extend its provisions to any explosive, and the extended scope thus given renders it illogical to call it "Dynamite Regulation." It would be more consistent to call it "Explosives Regulation" just like the British Indian Act IV of 1884, of which it is an adaptation. I beg, therefore, to propose my first amendment, *viz.*, that in the heading and the preamble, the word "explosives" be substituted for "dynamite."

Seconded by Mr. Nagam Aiya.

Carried.

Section 1.

Mr. Kesava Pillai.—I beg to propose that in line 1 of this section, the words "may be called 'The Travancore Explosives Regulation' and" be inserted between "Regulation" and "shall". It is obviously desirable to give the short title for purposes of reference.

Seconded by Mr. Rajaram Row.

Carried.

Section 2.

Mr. Kesava Pillai.—I beg to propose that the following be substituted for the definition of "dynamite":

"'Explosive'—

(*a*) means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other

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